

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15 CV 215**

<b>MOTO GROUP, LLC d/b/a RINEHART</b>	)	
<b>RACING, and MATTHEW BOOZER,</b>	)	
	)	
<b>Plaintiffs</b>	)	
	)	<b><u>ORDER</u></b>
<b>v</b>	)	
	)	
<b>MODERN INDUSTRIES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**THIS MATTER** has come before the undersigned pursuant to a Certification and Report of Rule 26(f) Conference and Discovery Plan (#24). After reviewing the certification, the undersigned has examined the court file in this matter and finds that joinder of issues has not occurred.

**LCvR 16.1(D) provides as follows:**

**(D) Joinder of the Issues.** For the limited purpose of these Local Rules, “joinder of the issues” occurs when the final answer to a complaint, third-party complaint, or cross claim or the final reply to counterclaim has been filed, or the time for doing so has expired.

As of the date of the filing of this Order, a Reply has not been filed to an Amended Counterclaim (#23) filed by the Defendant. As a result, issues have not joined. The undersigned will now issue an Order denying the request to enter a

Pretrial Order and Case Management Plan in this matter and will direct that the parties file a new Certification and Report fourteen (14) days after the joinder of issues in this matter occurs.

## ORDER

**IT IS, THEREFORE, ORDERED** that the Certification and Report of Rule 26(f) Conference and Discovery Plan (#24) considered as a motion for the entry of a Scheduling Order will be **DENIED** and it is **ORDERED** that the parties file and present a Certification and Report not later than **fourteen (14) days** when the joinder of the issues in this matter has occurred.

Signed: March 31, 2016

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

